

In the Matters of)

Amendment of Section 3.606 of the)
Commission's Rules and Regulations)

Docket Nos. 8736 and 3975

Amendment of the Commission's Rules,)
Regulations and Engineering)
Standards concerning the Television)
Broadcast Service)

Docket No. 9175

Utilization of Frequencies in the)
Band 170 to 890 Mcs. for Television)
Broadcasting)

Docket No. 8976

NOTICE OF APPEARANCE AND COMMENTS ON BEHALF OF THE
NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

The National Association of Educational Broadcasters, by its attorneys, respectfully submits its Appearance in the above-entitled proceeding and its Comments urging that in connection with that proceeding the Commission give consideration to and make specific provision for the reservation of channels for non-commercial educational television broadcast stations. The National Association of Educational Broadcasters (sometimes hereinafter referred to as the NAEB) believes that such a reservation by the Commission will result in a fair, efficient and equitable distribution of television broadcast facilities and will best serve the public interest. In support of this position, the NAEB, your Respondent, shows the following:

1. Since the Commission has heretofore been made fully familiar with the activities of the NAEB, it would merely burden these Comments fully to describe this organization. In brief, the NAEB represents non-commercial educational AM and FM radio stations, work shops, and production centers owned and operated by colleges, universities and public-service agencies. The Association has dedicated itself to the advancement of all forms of education through the broadcast medium. It has more than 100 members throughout the country affiliated through 6 regional groups.

2. On behalf of its many members, the NAEB herein vigorously urges that the Commission make a specific allocation of television channels for non-commercial educational broadcast purposes. And, by its present Appearance, the NAEB notifies the Commission that it proposes to support its position through the appearance of witnesses at the hearing heretofore ordered in the above-entitled proceeding.

3. At the outset, NAEB wholly endorses the separate views of Commissioner Henneck released in connection with the Notice of Further Proposed Rule "making (FCC 49-943) in the above-entitled proceeding. The Association believes that Commissioner Henneck has succinctly stated the fundamental need for the reservation of a specified number of channels for the establishment of a non-commercial educational television service.

4. As Commissioner Henneck states, television offers "almost limitless possibilities....as a medium of visual education." When the in-school education in the United States is completed, the educational process is continued by other media for the communication of ideas. It is becoming increasingly apparent--and the Commission should be the first to recognize--that television will be the most potent of such media.

5. The Commission must determine whether the vast educational potentialities of television are to be left wholly in the hands of commercial operation or whether the educational forces of the nation are to be permitted to participate in the use of this medium for the advancement of the level of education in this country so necessary for the furtherance of democracy. While commercial radio has heretofore attempted to achieve some program balance, such an attempt must be compatible with the fully recognized and entirely approved responsibility for making commercial radio not only self-sustaining but a profitable business operation. The NAEB respectfully submits that television should not remain merely a branch of business to be devoted to the sale of goods or services, with educational benefits representing a by-product largely beyond the control of the educational forces of the nation. If television in the United States is to be fully utilized by education to expand its benefits within and beyond the class-room to maintain a continuing and effective influence upon the mental and social development of our citizens, it is essential that the country's educators have specific television channels reserved for their use.

6. The need for the reservation of specific channels for non-commercial television broadcasting should be obvious to the Commission. To obtain funds necessary for the large investment required by television will naturally be a slow process for educational institutions. The private entrepreneur seeking a sound business opportunity can enter into television much more rapidly than can an educational institution. Consequently, if the Commission does not reserve specific channels for non-commercial educational television, such channels will undoubtedly be usurped in many areas before educational institutions can compete with others to obtain them. Moreover, the assurance by the Commission that channels will be available will give the necessary support to educational institutions for obtaining an allocation of funds for television.

7. The basic need for the allocation of television channels here requested has been stated simply above. The use of television by educators would achieve, among others, the following objectives:

- A. The imparting to students and all others a greater understanding of the importance to society of television broadcasting and a greater aptitude for utilization and critical evaluation of television programs.
- B. Schools, colleges, and universities have increasingly recognized the obligation of bringing the results of their teaching and research to the attention of the general public. The General Extension, Agricultural Extension, and Adult Extension divisions and programs of these institutions is playing a major part in informing and educating the general public in a complex technological world. Radio has played an important part in this activity. Television should play an even more important role.
- C. The utilization of television for direct instruction in formal education both as an adjunct to class-room study and as an extension of formal learning to the graduate and the general public. This is of particular importance at the present time because of the inadequacy of class-room facilities (as well as housing facilities) at many college-level institutions and the shortage of qualified teaching personnel.
- D. The bringing of regional and national educational resources to the local centers of education.
- E. The improvement of the quality of television programs.

- F. The providing of television programs which appeal to and satisfy the needs of significant minority groups. (Consistent with sound business practice, such minority groups are offered a reasonable program fare meeting their specific needs only in markets where the large number of stations make it commercially feasible to cater to those needs.)
 - G. The providing of a diversity of programs by establishing new television stations especially in those areas which will not obtain a diversity of television programs.
 - H. The utilization of television for informal education in matters of general public education and culture.
 - I. The furnishing of reliable and responsible news, news commentary and discussions of public issues.
 - J. The encouragement of distribution of television receivers in many areas, thus redounding to the advantage of commercial television stations in those areas.
 - K. Cooperation with civic, religious and charitable organizations in furthering their work.
 - L. Cooperation in the exchange of program material with existing broadcast stations, networks, and organizations engaged in domestic and international broadcasting.
 - M. The conduct of research and experimentation in new and improved methods of utilizing television for educational and cultural purposes.
 - N. The conduct of research and experimentation in and to encourage the technical improvement of broadcasting.
 - O. The training of personnel (students and educators alike) in the utilization of television facilities both in the technical and program phase. A recent Veterans Administration report shows that 136,000 veterans are taking radio and television courses through the educational benefits administered by that agency. This will provide through recognized colleges, schools or universities accredited instruction of a type which trade schools are not able to supply.
 - P. The utilization of television to publicize educational trends and projects, and to provide a greater interest in and support for educational programs and objectives.
 - Q. The coordination of television activities of educational institutions throughout the nation to provide a comprehensive plan for efficient and economical use thereof.
3. Upon an allocation of the frequencies herein sought, the NABED would offer its fullest cooperation to all individual institutions and educational organizations in undertaking to achieve the objectives set out above.

9. In attempting to determine what specific request it should make for television channels, the NAEB has quickly canvassed its membership to discover their immediate interest in obtaining television facilities. The attached engineering statement in support of these Comments relies in part upon the responses elicited in this canvass. An expression of affirmative interest in television broadcasting was received, even on this short notice, from 32 NAEB members.

10. As the attached engineering statement shows, these Comments are submitted in connection with the utilization of television frequencies in the band 470 to 590 megacycles. In accordance with that statement, the NAEB considers that at least 10 channels in the UHF band should be made available exclusively for the use of educational broadcasters. Allocation of UHF rather than VHF channels is requested since Commission assignments in the VHF band already preclude the reservation of even a single VHF channel for non-commercial educational use.

11. In the Commission's Notice of Proposed Rule Making in the above-entitled proceeding, Appendix A sets forth, in paragraph III-A-1, that the first priority of allocation is "to provide at least one television service to all parts of the United States." In view of the fact that the use of television for non-commercial educational television broadcastings is, for the reasons set forth above, at least as important as commercial television broadcasting, the NAEB urges that sufficient channels be set aside to permit at least one non-commercial educational television service to all parts of the United States.

12. In its Notice of Proposed Rule Making (paragraph 13 c and d) the Commission has indicated its concern with the necessity of reaching a decision on the advisability of reserving a portion of the UHF band exclusively for non-commercial educational broadcasting. Pursuant to the invitation expressed in this public notice, the NAEB herewith suggests the following:

- A. That there be reserved in the UHF band 10 frequencies exclusively for the use of non-commercial educational broadcasters.
- B. That these channels be located in that portion of the UHF band which the Commission contemplates allocating in its instant Notice of Proposed Rule Making if such allocation is engineering-wise feasible without disturbing the allocations proposed for commercial broadcasting.
- C. In the event that the allocation requested in B above is not possible, that the Commission reserve 10 channels immediately adjacent to Channel 55 for non-commercial educational television.

In support of its request there is attached hereto and made a part hereof an engineering statement by Jansky and Bailey, consulting radio engineers for the NAEB.

13. Petitioner respectfully requests an opportunity to present witnesses in support of its proposal, and to participate in the examination and cross-examination of all persons who participate in this proceeding and for the right to file a brief and otherwise present its views in oral argument.

Respectfully submitted

NATIONAL ASSOCIATION OF EDUCATION
BROADCASTERS

Marcus Cohn
Cohn and Marks
1120 New York Ave., N.E.
Washington, D. C.

Its Attorneys

By

Marcus Cohn

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